

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MACNEIL AUTOMOTIVE PRODUCTS LIMITED, an Illinois Corporation,)	
)	
)	
Plaintiff,)	No. 08 C 139
)	
v.)	
)	Hon. Joan B. Gottschall
CANNON AUTOMOTIVE LIMITED, f/k/a CANNON RUBBER LIMITED, AUTOMOTIVE DIVISION, a United Kingdom Company,)	
)	Magistrate Arlander Keys
)	
)	
Defendant.)	<u>JURY TRIAL DEMANDED</u>

MACNEIL’S MOTION FOR LEAVE TO FILE A SUPPLEMENTAL DECLARATION

Plaintiff MacNeil Automotive Products Limited (“MacNeil”), by and through its attorneys, hereby submits its Motion for Leave to File a Supplemental Declaration. For the reasons stated below, MacNeil respectfully moves this Court for leave to file the attached two-page Second Declaration of Allan Thom in support of MacNeil’s opposition to Cannon Automotive Limited’s (“Cannon”) *forum non conveniens* motion to dismiss.

1. In its opening brief, Cannon’s *only* argument regarding the foreign business MacNeil conducted concerned MacNeil’s relationship with Cannon. Mot. at 13.

2. In its opposition to Cannon’s motion, MacNeil pointed out that Cannon expressly told this Court that it did business in over sixty markets (Mot. at 4) and that Cannon’s prior corporate entity had offices and employees in Chicago (Ex. D to MacNeil’s Resp.). Resp. at 9. MacNeil further stated that it distributes 98% of its product in North America (mostly in the United States) and has never had an employee outside of this forum. Id.

3. Now, for the first time in its reply, Cannon makes new arguments and discusses the “international” nature of MacNeil’s business (unrelated to MacNeil’s business with Cannon) and attaches printouts from MacNeil’s website.

4. MacNeil does not seek to file a surreply or introduce any additional argument to rebut the new assertions made by Cannon for the first time in its reply. However, in an effort to clarify the nature of MacNeil’s international business and to buttress certain facts outlined in MacNeil’s response, MacNeil now moves to submit the two-page Second Declaration of Allan Thom, which is attached hereto as Exhibit A.

5. Mr. Thom’s Second Declaration makes clear that, aside from its relationship with Cannon, MacNeil’s international distribution business is *de minimis*. Cannon should not be prejudiced by the filing of this Second Declaration as it introduces no argument and seeks to address new arguments made by Cannon with facts. In addition, MacNeil has not delayed in moving for leave; only one business day has lapsed since MacNeil received Cannon’s reply and the filing of the instant motion.

CONCLUSION

For the foregoing reasons, MacNeil respectfully requests that its motion be granted and that the attached Second Declaration of Allan Thom be included in the Court’s consideration of Cannon’s Motion to Dismiss Pursuant to *Forum Non Conveniens*.

Respectfully submitted,

**MACNEIL AUTOMOTIVE PRODUCTS
LIMITED**

Dated: May 5, 2008

By: /s/ Robert S. Grabemann
One of Its Attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that he caused a copy of the foregoing MACNEIL'S MOTION FOR LEAVE TO FILE A SUPPLEMENTAL DECLARATION via electronic filing, on the 5th day of May, 2008, on or before 4:30 p.m., to be served on:

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_____/s/ Robert S. Grabemann

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